

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

PATRICIA SIDEBOTTOM,

Plaintiff,

v.

Civil Action No. 2:19-cv-00644

WAL-MART STORES EAST, LP,
doing business as Walmart
Supercenter, Store #2610,
and JANE DOE,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is the plaintiff's motion to amend the
complaint, filed November 13, 2019.

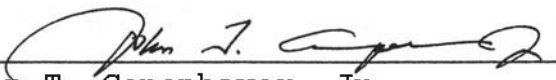
In the original complaint, the plaintiff named Jane Doe as a defendant. The identity of Jane Doe was not known to the plaintiff at the time of filing the original complaint. Through discovery, the plaintiff learned the identity of Jane Doe. The plaintiff seeks to amend the original complaint to name Carlene Boggs in place of Jane Doe. The plaintiff attached the proposed amended complaint to the motion as Exhibit 1 and filed the motion in accordance with the deadlines set by the court's October 15, 2019 scheduling order. The defendants did not respond to the plaintiff's motion.

Federal Rule of Civil Procedure 15(a)(2), invoked by plaintiff, provides that a party who can no longer amend a pleading as of right can still amend by obtaining "the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). "The court should freely give leave when justice so requires." Id. In applying Rule 15(a), "[t]he law is well settled that leave to amend a pleading should be denied only when the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile." Edwards v. City of Goldsboro, 178 F.3d 231, 242 (4th Cir. 1999) (quoting Johnson v. Oroweat Foods Co., 785 F.2d 503, 509 (4th Cir. 1986)).

In the absence of any suggestion by the defendants that the amended complaint results in undue prejudice or was motivated by bad faith, it is ORDERED that the plaintiff's motion be, and it hereby is, granted. The clerk is directed to file the proposed amended complaint as the amended complaint in this case.

The Clerk is requested to forward copies of this order to all counsel of record and to any unrepresented parties.

DATED: December 3, 2019


John T. Copenhaver, Jr.
Senior United States District Judge